

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 8, 1999

DIVISION ONE

B130392 People (Not for Publication)
v.
Paul

We affirm the order under review.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B128210 Los Angeles County, D.C.F.S. (Not for Publication)
B129766 v.
Milton P.

The order terminating parental rights is affirmed.

Ortega, J.

We concur: Spencer, P.J.
 Masterson, J.

B126307 People (Not for Publication)
v.
Del Valle

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Masterson, J.

July 8, 1999-Continued

DIVISION ONE (Continued)

B122330 People v. Banuelos (Not for Publication)
B126984 In re Eusebio Banuelos on Habeas Corpus.

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Masterson, J.

B123446 People (Not for Publication)
 v.
 Andrate

The judgment as to count 2 is reversed. The matter is remanded for the trial court to issue a judgment of acquittal as to count 2 and send a new abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Masterson, J.

DIVISION TWO

B127401 People (Not for Publication)
 v.
 Maria G.

The Court:

The judgment is affirmed.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

DIVISION THREE

B120746 People (Not for Publication)
v.
Cardeno

The judgment is modified by imposing a \$200 restitution fine pursuant to Penal Code section 1202.45 and, as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modification and that the trial court imposed a \$200 restitution fine pursuant to Penal Code section 1202.4, subdivision (b).

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

[illegible]

The judgment is affirmed, except that appellant's sentence as to Penal Code section 12022.5, subdivision (a), enhancement is vacated, and the case is remanded to the trial court solely to permit it to impose a mandatory unstayed term pursuant to Penal Code section 12022.5, subdivision (a), and mandatory restitution fines pursuant to Penal Code sections 1202.4, subdivision (b), and 1202.45. The trial court is directed to amend the abstract of judgment accordingly and to forward a copy thereof to the Department of Corrections.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

July 8, 1999-Continued

DIVISION THREE (Continued)

B124952 People (Not for Publication)
v.
Richard N.

The order under review is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B116552 Elga Simonian and Sergon Simonian (Not for Publication)
v.
Mansoor Karamooz

The judgment is affirmed. Plaintiffs shall recover their costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B121678 Estate of Stephen W. Ammerman (Not for Publication)
v.
Suzanne Best

The appeal from the court's May 29, 1998 order denying Best's petition to have the order of reconveyance vacated is dismissed. The appeal from the order denying Best's motion to have the reconveyance order vacated is dismissed. The order confirming the sale of the house is affirmed. Costs on appeal to the administrator.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

July 8, 1999-Continued

DIVISION THREE (Continued)

B117795 Aiko Ogata (Not for Publication)
v.
Fedco, Inc.

The judgment is affirmed. Costs on appeal to Fedco.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B118083 Estate of Stephen W. Ammerman (Not for Publication)
v.
Jonathan David Rapore

The order denying Rapore's petition to file a late claim is affirmed. Costs on appeal to the respondent, Estate of Stephen William Ammerman, a.k.a. Stephen Ammerman, deceased.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B131186 Darryl D. (Not for Publication)
v.
Superior Court of the County of Los Angeles
Los Angeles County Department of Children and Family Services

Petition for writ of mandate is denied, except that, upon remand, the trial court is ordered to hold a hearing to inquire as to the reason for father's request for new counsel, and to then either (1) appoint new counsel if good cause appears therefor in time for new counsel to prepare for the section 366.26 hearing on August 5, 1999, or (2) reaffirm that father's existing appointed counsel shall continue to represent father if no good cause exists to appoint new counsel.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

July 8, 1999-Continued

DIVISION THREE (Continued)

B126690 Janice Abner (Not for Publication)
v.
Compton Unified School District

The order is affirmed. District is awarded its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B118369 Walter Desmond, as Executor of (Not for Publication)
the Estate of Madeline Jurkovich
v.
Heritage Escrow Services of Long Beach,
Verlyne Vanderpool and Noreen Ferguson

The judgment is affirmed. Defendants shall recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B118972 Transcomp Systems, Inc. (Not for Publication)
v.
HBJJ, Inc.

The judgment of the trial court is affirmed. Costs on appeal to defendant.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

July 8, 1999-Continued

DIVISION FOUR

[illegible]

The abstract of judgment is modified to impose a fine of \$200 pursuant to section 1202.45, subdivision (b). In all other respects, the judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B122585 People v. Phillips (Not for Publication)

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Godoy Perez, J., and Zaida G. Herandez, Deputy Clerk.

Each of the following:

B126672 People v. Jerry Mosley
B125363 People v. Ling Ly
B131336 Roosevelt C. v. S.C.L.A. (DCFS)
B121762 People v. Duane Cotton
B123432 Kuwada v. Department of Motor Vehicles
B130679 Maria G. v. S.C.L.A.

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B131034 The People
 v.
 Frank G. Gutierrez

Merits:
Argued by Ronnie Duberstein for appellant and by Jim Hart, deputy attorney general, for respondent. Cause submitted.

B130516 Sharon E. Woody et al.
 v.
 Dan Evan Fleischman

Merits:
Argued by John T. Blanchard for appellant and by David C. Nelson for respondents. Cause submitted.

B122979 The People
 v.
 Sung K. Woo

Merits:
Argued by Dennis Fischer for appellant and by Mary Sanchez, deputy attorney general, for respondent. Cause submitted.

B130516 Sharon E. Woody et al.
 v.
 Dan Evan Fleischman

Merits:
Argued by John T. Blanchard for appellant and by David C. Nelson for respondents. Cause submitted.

B127776 Los Angeles County Department of Children and Family Services
 v.
 Lalaina R.

Merits:
Argued by Michael A. Salazar for appellant and by Joanne N. Romeo, deputy county counsel, for respondent. Cause submitted.

DIVISION FIVE (Continued)

B125231 Robert Bradley
 v.
 Worthington Ford Inc.

Merits:
Argued by Timothy Rand-Lewis for appellant and by Darin L. Wessel for respondent. Cause submitted.

B120022 Judith S. Fogle
 v.
 National Life Ins. Co. of Vermont

Merits:
Argued by Gregg M. Audet for appellant and by Linda Chalison for respondent. Cause submitted.

Court recessed.

Court reconvened at 11:00 a.m.

Present: Turner, P.J., Grignon, J., Armstrong, J., and Zaida G. Heraldez, Deputy Clerk.

B122545 Albert Evlin
 v.
 Atchison, Topeka & Santa Fe RR. Co.

Merits:
Argued by David J. Hart for appellant and by Gregory Evans for respondent. Cause submitted.

Court recessed.

The Court reconvened at 11:15 a.m.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

DIVISION FIVE (Continued)

Each of the following:

B124329 People v. Alvarez
B129383 DCFS v. Alejandro P. et al.

Argument waived, cause submitted.

B126677 The People
 v.
 Jorge Eduardo Alvarado

Merits:

Argued by Elizabeth A. Bumer for appellant and by Renee Rich, deputy attorney general, for respondent. Cause submitted.

The court recessed.

The Court reconvened at 1:00 p.m.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B123949 Galan v. Lin
B122392 Anderson v. Cooperative American Physician

Argument waived, cause submitted.

B118933 Pasadena Cemetery Association
 v.
 Donald L. Parker

Merits:

Argued by John C. Burton for appellant and by Eric Maman for respondent. Cause submitted.

DIVISION FIVE (Continued)

B117897 Thomas J. Barnes
 v.
 Brymarc Management Company

Merits:

Argued by Appellant Thomas J. Barnes, in propria persona, and by Kathryn Albarian for respondent. Cause submitted.

B120425 Suzanne Carol Reaver
 v.
 Stuart E. Johnson

Merits:

Argued by Jeffrey W. Doeringer for appellant and by Ross Williams for respondent. Cause submitted.

B126275 Servicio Aero Agricola
 v.
 Aero Engines, Inc.

Merits:

Argued by Charles M. Finkel for appellant and by Gary L. Montanari for respondent. Cause submitted.

Court adjourned.

B127724 Los Angeles County, D.C.F.S.
 v.
 Angela R.

Filed order denying petition for rehearing.

B117803 Palace Associates
 v.
 Bicycle Club Card Casino et al.

Filed order denying petition for rehearing.

DIVISION SIX

B127215 Rich (Certified for Publication)
v.
Southern Calif. IBEW-NECA Pension Plan

The judgment (order) is reversed. The trial court is ordered to direct defendant pension plan to restore to Walter his full benefits of \$962 per month. Costs are awarded to appellant.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B129855 People (Not for Publication)
v.
Cervantes

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
Yegan, J.

DIVISION SEVEN

B119938 Allstate Insurance Company
v.
Koven and Koven

Filed order denying petition for rehearing.

B117443 People
v.
Lombardelli
In re Lombardelli on Habeas Corpus

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)